

to proceed to Municipal Town Hall where Municipal Address was arranged to be presented to Hon'ble the Chief Minister of Mysore, as to occasion annoyance and a breach of peace.

I directed the processionists to disperse peacefully. As they desisted from the directions, he (Sri S. Gopala Gowda) and 26 others were restrained and moved from the spot (Nehru Road) opposite to Post Office—under Section 60, Clause. (3) of Mysore Police Act at about 10 A.M. and released at about 2-30 P.M.”

I might add that communications have also been received from the Deputy Commissioner and the Inspector-General of Police in the same matter.

Report *re* Arrest of Sri Swami Durai.

Mr. SPEAKER.—I have to inform the House that I received a communication from the Special First Class Magistrate, Robertsonpet, dated 27th February 1953, relating to the arrest of Sri P. M. Swami Durai, a Member of this House. The letter is as follows:—

“I write to inform you that the Inspector of Police, Robertsonpet, K.G.F., produced before me in Court today (27th February 1953) Sri P. M. Swami Durai, Member of the Legislative Assembly, from the Kolar Gold Fields Constituency, having arrested him for offences under Sections 143, 147, 324, 326, 336, 337, 149 and 109 I.P.C. with an application that he (the said Sri P. M. Swami Durai) may be remanded to the Judicial custody till 2nd March 1953, to enable the Police to complete the investigation and submit final report, and I have on that application, by my order dated 27th February 1953, remanded him to the Judicial Lock-up, Kolar, till 2nd March 1953. I have herein enclosed the copy of the application for remand and order passed thereon.”

I may add that a communication has also been received from the Deputy Commissioner in the same matter.

MOTION OF PRIVILEGE.

Arrest of Sri Swami Durai.

Mr. SPEAKER.—Sri J. Mohamed Iman has given a written notice of a privilege motion which is as follows:—

“I beg to move that a *prima facie* case of privilege has arisen by the recent arrest of Sri Swami Durai, an honourable member of this august House, depriving him of opportunity to attend this session and of serving his constituency and country and that he may be released forthwith to attend this session.”

Sri Imam, have you got anything to say in the matter?

*Sri J. MOHAMED IMAM (Jagalur).—Sir, this is the first occasion that such a situation has arisen. Therefore, a very heavy responsibility lies on you to establish a tradition. An Hon'ble Member of this House has been prevented from attending this session. That Member represents a big constituency of nearly 80,000 subjects. He was duly served with summons, together with all literature, to attend this House. Unfortunately now, he has been detained and has not been able to attend this House and do his duty by his constituency and by his country. Sir, I am aware that a member of this House, when he is restrained in a criminal process, cannot claim any privilege. If it had been a question of civil proceedings, then, he can claim the privilege. Now the question is—at what stage he can be detained and when he should be detained, or simply because a criminal or a quasi-criminal case is launched against him, can he be prevented from attending this House?

I may at once state that there is no definite law governing the privileges of the members of this House. There are no statutory provisions. In the history

*Asterisk indicates the remarks in speech has not been revised by the member concerned.